

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

SONIA BATISTA
SONIA DAVILA

aka

Debtor

**OBJECTION TO
CONFIRMATION**

Chapter 13

Case No. 11-23127-RDD

David A. Haefner, Esq., an attorney duly licensed to practice law in the State of New York and admitted in the Southern District of New York, affirms the following to be true, under penalty of perjury:

1. I am an associate with the firm of Steven J. Baum, P.C., attorneys for the Secured Creditor, America's Servicing Company as servicer for U.S. Bank National Association, as trustee for CSMC ARMT 2006-3 ("America's Servicing Company").

2. This Affirmation is submitted for the purpose of objecting to confirmation of the Chapter 13 Plan proposed by Sonia Batista (the "Debtor").

3. The Debtor's proposed Plan provides for payment of pre-petition arrears in the amount of \$120,000.00. However, the Proof of Claim filed on behalf of America's Servicing Company asserts pre-petition arrears in the amount of \$149,537.97. A copy of said Proof of Claim is attached hereto as Exhibit 'A'. Accordingly, Debtor's proposed plan lists incorrect pre-petition arrears.

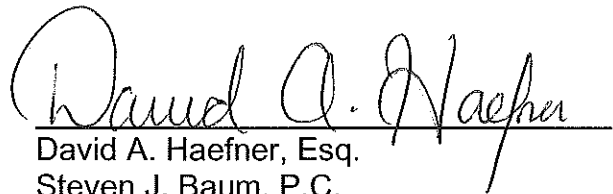
4. Moreover, the Debtor's proposed Plan provides for total plan payments in the amount of \$12,000.00. After taking into consideration the Trustees' commission, there will only be \$10,800.00 available for distribution to creditors, which falls short of

full payment of Debtor's pre-petition arrears to America's Servicing Company. Accordingly, Debtor's proposed plan is not feasible.

5. Furthermore, the Debtor's proposed Plan does not provide for payment of post-petition mortgage payments. However, America's Servicing Company asserts post-petition mortgage payments in the amount of \$4,866.51. Accordingly, Debtor's proposed plan provides for an incorrect post-petition payment amount.

6. By virtue of the foregoing, confirmation of the Debtor's proposed Chapter 13 Plan must be denied pursuant to 11 U.S.C. §1325.

Dated: Buffalo, New York
June 27, 2011

A handwritten signature in cursive script, reading "David A. Haefner", is written over a horizontal line.

David A. Haefner, Esq.

Steven J. Baum, P.C.

Attorneys for

America's Servicing Company as
servicer for U.S. Bank National
Association, as trustee for CSMC ARMT
2006-3

P.O. Box 1291

Amherst, New York 14240-1291

(716) 204-2400